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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,554	12/31/2003	Muraleedhara Herur Navada	10559-906001 / P17954	5716

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EXAMINER
NGUYEN, VAN KIM T

ART UNIT	PAPER NUMBER
2456	

NOTIFICATION DATE	DELIVERY MODE
11/18/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):
PATDOCTC@fr.com

	Application No.	Applicant(s)
Office Action Summary	10/750,554	NAVADA ET AL.
	Examiner	Art Unit	
	Van Kim T. Nguyen	2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _October 24, 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-26_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-26_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to communications filed on October 24, 2008.

Claims 1-26 are pending in the application.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application

is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn

pursuant to 37 CFR 1.114. Applicant's submission filed on October 24, 2008 has been entered.

Response to Arguments

3.   Applicants' command regarding filing a terminal disclaimer upon an indication of

allowable subject matter is duly noted; however, the double patenting rejection is remained until

such time.

4.   Applicant's arguments with respect to claims 1-26 have been considered but are

moot in view of the new grounds of rejection.

Double Patenting

5.   The text of those sections of Title 35, U.S. Code not included in this action can be

found in a prior Office action.

6.   Claims 1, 3-5, 7-8, 10-12, 14-15, 17-18, 20-21, 23-24 and 26 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 4-5, 7-9, 11-12, 14-15, 16, 18-19, 21-22, and 24-25, of copending Application No. 10/749,792, respectively, in view of Sallet et al (US 6,490,276). Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims recite substantially same limitations, except delivering the packet to an exception processor being shared by the packet forwarding device in the stack. Sallet discloses a method for forwarding a data frame from a first switch to a second switch, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Sallet's method of forwarding data frames to the instance application in order to transmit data effectively.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

7.   Claims 1-4, 7-11, 14-17 and 18-26 are rejected under 35 U.S.C. 103(a) as being anticipated by Asano et al (US 2002/0176426), in view of Salett et al (US 6,490,276), and further in view of Kalkunte et al (US 7,139,269).

Regarding claims 1, 8, 15, 18, 21 and 24, Asano discloses a method comprising:

receiving a packet at a first device in a stack of packet forwarding devices configured to direct the packet to a destination external to the stack (e.g., a packet is received at transfer device 40. A destination address is extracted from each of the packet and checked against information

stored in a table to specify a destination port or output port via which the packet is to be

forwarded; Figures 1-5, ¶ [0055-0063] and [0092-0094]);

identifying an exception associated with the packet, wherein the exception represents the

external destination of the packet as being unidentifiable by the packet (e.g., identifying the

invalid IP destination address; Figure 15, ¶ [0171]).

Asano discloses substantially all the claimed limitations, except inserting a vector in the

packet to indicate the identified exception; and delivering the packet based on the inserted vector

to an exception processor being shared by the packet forwarding devices in the stack.

Salett teaches inserting a vector in the packet to indicate the identified exception; and

delivering the packet based on the inserted vector to an exception processor (e.g., using/updating

a 64-bit header to indicate destination information for each set of data frames transmitted on the

network and transmit the packet; col. 3: lines 44-63 and col. 4: lines 15-21).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to apply Sallet's method of identifying stations and switches in Asano's system in

order to optimize the amount of resources required for a network.

However, Asano-Salett does not explicitly disclose the identified exception indicating the

external destination is unidentifiable and the exception processor being shared by the packet

forwarding devices in the stack.

As shown in Figure 41, Kalkunte teaches the server (port 8) is being shared by clients

(ports 1-6).

Kaklunte's shared exception processor is a well-known configuration in the art, e.g., a

router routes traffic for many sources or a server can be shared among/connected to many clients.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was

made that Kaklunte's shared exception processor is a viable option in Asano-Salett's system.

However, Asano-Salett-Kalkunte does not disclose the identified exception indicating the

external destination is unidentifiable.

Regarding claims 2, 9, 16, 19, 22 and 25, Asano-Salett-Kalkunte also discloses the vector

includes a flag (e.g., the header provides six bits for the destination; Salett, col. 4: lines 18-21).

Regarding claims 3, 10, 17, 20, 23 and 26, Asano-Salett-Kalkunte also discloses using the

vector and a table to determine a port for sending the packet to the first device in the stack of

packet forwarding devices (using 64-bit word and CAM 213, 221 to transfer data frames

between a port to a switch or between switches, e.g., when station A215 first transmits a data

frame, it is received by switch 205 on port 4. The CAM 213 in switch 205 updates a station list

contained in the CAM 213 to indicate that station A215 is on port 4; Salett, col. 4: lines 39-50).

Regarding claims 4 and 11, Asano-Salett-Kalkunte also discloses the vector includes a bit

identifying the first device in the stack of packet forwarding devices (e.g., the lower 56 bits of

the 64-bit CAM cycle word is used to indicate source or routing information for a data frame,

with bits 48-55 are used to indicate the network switches; Salett, col. 3: lines 44-63).

Regarding claims 7 and 14, Asano-Salett-Kalkunte also discloses the vector includes bits

respectively identifying the packet forwarding devices in the stack (e.g., the lower 56 bits of the

64-bit CAM cycle word is used to indicate source or routing information for a data frame, with

bits 48-55 are used to indicate the network switches; Salett, col. 3: lines 44-63).

8.   Claims 5-6 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Asano-Salett-Kalkunte as respectively applied to claims 1 and 8 above, in view of Abali et

al (US 5,721,820), hereinafter Abali.

Asano-Salett-Kalkunte discloses substantially all claimed limitations, except removing

the vector from the packet upon delivery the packet to the exception processor.

Abali teaches removing the vector from the packet for delivering the packet to the

exception processor (e.g., in source-based routing scheme, switches do not make any intelligent

routing decisions. The switch strips off the first word before forwarding the packet to the next

level in the network. Thus the packet contains no routing information upon arriving its ultimate

destination; col. 1: lines 46-65).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to apply Abali's method of routing data in Asano-Salett-Kalkunte's system in order to

provide data routing in a topology independent fashion that satisfies cost, performance and

resource constraints.

Regarding claims 6 and 13, Asano-Salett-Kalkunte-Abali also discloses the packet is

delivered over a transmission line in an aggregate of transmission lines to the exception

processor shared by the packet forwarding devices in the stack (Abali; Figure 1, communications

in the network is facilitated by links connecting the processors or switches; col. 3: lines 3-25).

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN KIM T. NGUYEN whose telephone number is (571)272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Van Kim T. Nguyen
Examiner
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Vkn

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